

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

LAWRENCE MARTIN EDWARDS,)
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 Plaintiff,)
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 v.) No. 1:06CV01 FRB
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CHUCK DWYER, et al.,)
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 Defendants.)

ORDER

Presently pending before the Court is plaintiff Lawrence Martin Edwards' Motion to Amend Complaint (filed March 6, 2006/Docket No. 12-1). The matter was assigned to and is pending before the undersigned United States Magistrate Judge pursuant to Rule 2.08(A) of the Local Rules of this Court.

In his Motion to Amend Complaint, plaintiff requests that criminal charges be lodged against the defendants in this cause in accordance with Missouri law. The undersigned notes that plaintiff sought this relief in his original Complaint, but that such claim was dismissed inasmuch as "[t]he Court lacks jurisdiction to compel investigation and prosecution of alleged criminal violations." (See Memo. & Order filed Jan. 17, 2006/Docket No. 4 at p.3 (citing Inmates of Attica Correctional Facility v. Rockefeller, 477 F.2d 375, 379-82 (2d Cir. 1973)). Inasmuch as plaintiff seeks to reassert a claim over which this Court has no jurisdiction, such an

amendment to the Complaint would be futile. Therefore, given the futility of plaintiff's proposed amendment, plaintiff's Motion to Amend Complaint should be denied. See United States ex rel. Lee v. Fairview Health Sys., 413 F.3d 748, 749 (8th Cir. 2005); Grandson v. University of Minn., 272 F.3d 568, 575 (8th Cir. 2001).

Accordingly,

IT IS HEREBY ORDERED that plaintiff Lawrence Martin Edwards' Motion to Amend Complaint (Docket No. 12-1) is denied.

Frederick L. Buckley
UNITED STATES MAGISTRATE JUDGE

Dated this 7th day of April, 2006.